

**MEDICAL LICENSING BOARD OF INDIANA  
INDIANA GOVERNMENT CENTER SOUTH  
402 WEST WASHINGTON STREET  
ROOM W064  
INDIANAPOLIS, INDIANA 46204**

**MINUTES OF DECEMBER 2, 2010**

Stephen Huddleston, J.D., President called the meeting to order at 9:30 a.m. and declared a quorum in accordance with IC 25-22.5.

Members Present: Stephen Huddleston, J.D., Consumer  
Member, President  
Robert Allen, M.D.  
Worthe Holt, Jr., M.D.  
Bharat Barai, M.D., Vice President  
Donald Vennekotter, M.D., Secretary

Member Absent: Lynda Smirz, M.D.

Staff Present: Kristen Kelley, Board Director  
Professional Licensing Agency  
Jody Edens, Assistant Board Director  
Professional Licensing Agency  
James Schmidt, Deputy Attorney General  
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,  
Donald Vennekotter, M.D., Worthe Holt, Jr., M.D.

Allen/Vennekotter, 4/0/0  
Motion carries

The Board voted to adopt the minutes of the October 28, 2010 meeting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.  
Donald Vennekotter, M.D., Worthe Holt, Jr., M.D.

Vennekotter/Allen, 4/0/0  
Motion carries

## **PERSONAL APPEARANCES**

### **RENEWAL APPLICANTS**

The following appeared before the full Board for their scheduled personal appearances and were sworn in under oath:

**Jeffrey Fadel, M.D.** – Dr. Fadel appeared before the Board regarding positive responses on his re-application for licensure and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

The Board indicated to Dr. Fadel that he needs to get the action on his Ohio license cleared up prior to applying in Indiana.

After discussion Dr. Fadel requested to withdraw his re-application for licensure.

The Board moved to APPROVE Dr. Fadel's request to WITHDRAW his re-application for licensure.

Barai/Holt, 4/0/0

Motion carries

**Garry Smith, M.D.** – Dr. Smith appeared before the Board regarding a positive response on his re-application for licensure and the fact that he has not practiced as a physician since 2001 and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Worthe Holt, Jr., M.D.

Dr. Smith hasn't seen a patient since 2001. He retired as a surgeon in 2001 due to vision issues.

The Board discussed that Dr. Smith would need a Board review course in general medicine possible the SPEX examination or a CPEP evaluation as well as a supervised setting to show his clinical skills are intact.

Dr. Smith requested to withdraw his application in order to investigate some of the Board's suggestions.

After discussion the Board moved to APPROVE Dr. Smith's request to WITHDRAW his application for re-licensure.

Barai/Allen, 4/0/0

Motion carries

**Thomas Byrne, M.D.** – Dr. Byrne did not appear for his scheduled personal appearance.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

The Board rescheduled his appearance for the January 27, 2011 meeting.

CONSENSUS

Motion carries

**Gregory Ebner, D.O.** – Dr. Ebner appeared before the Board regarding positive responses on his initial application and was represented by counsel Jay Mercer.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D.

Dr. Ebner's license in the state of Ohio has been revoked.

During discussion, the Board suggested to Dr. Ebner that he needs to get the action on his license cleared up in Ohio prior to applying for a license in Indiana.

After discussion Dr. Ebner requested to withdraw his application for licensure.

The Board moved to APPROVE Dr. Ebner's request to WITHDRAW his application for licensure.

Barai/Holt, 5/0/0

Motion carries

**Hatem Dajani, M.D.** – Dr. Dajani appeared before the Board regarding a positive response on his Controlled Substances Registration application and was not represented by counsel.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Worth Holt, Jr., M.D.

At the request of the Indiana Board of Pharmacy, the Medical Licensing Board is considering the issue and will give their recommendation to the Indiana Board of Pharmacy.

Steven Hilpipe, Fayette Hospital, appeared as a witness for Dr. Dajani.

After having considered the facts presented, testimony of the witness and taking its file into consideration, the Board moved to recommend APPROVAL of the issuance of the CSR to the Indiana Board of Pharmacy.

Holt/Vennekotter, 3/2/0, with Dr. Allen and Mr. Huddleston objecting  
Motion carries

The Board further moved to table the application and request that the Attorney General's office inform us of the status of the complaint.

Allen/Barai, 5/0/0  
Motion carries

**James Hartenbach, M.D.** – Dr. Hartenbach appeared before the Board regarding positive responses on his initial application and was not represented by counsel. . He has also not practiced for approximately two years

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Bharat Barai, M.D., Donald Vennekotter, M.D., Worthe Holt, Jr., M.D.

After discussion the Board moved to TABLE Dr. Hartenbach's application for licensure for approximately six (6) months in order to allow him time to obtain a supervisor with a plan of action and a recent psychiatric evaluation. The supervisor must appear with Dr. Hartenbach to explain his plan of supervision.

Barai/Holt, 5/0/0  
Motion carries

### **ADMINISTRATIVE HEARINGS**

The following hearing was continued:

**Ashwani Duggal, M.D., License No. 01047610A, Cause No. 2010 MLB 0006**

**Patrick Joseph Cadigan, M.D., License No. 01066319A, Cause No. 2010 MLB 0008**

Respondent did not appear in person and was not represented by counsel regarding a Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge, with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,  
Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

After having considered the evidence presented and taking official notice of its  
file in this matter the Board moved to issue a NOTICE OF PROPOSED  
DEFAULT.

Vennekotter/Allen, 4/0/0  
Motion carries

**Leticia K. Chy-Koa, M.D., License No. 01024246B, Cause No. 2010 IPB 0052**

Respondent did not appear in person and was not represented by counsel  
regarding a Petition to Reinstate Licensee's Controlled Substances Registration  
scheduled before the Board. The State of Indiana was represented by Thomas  
McGee, Deputy Attorney General and the court reporter sworn in for this matter  
was Sherri Rutledge with Rutledge Independent Reporting.

Dr. Chy-Koa submitted a letter indicating she retired as of November 15, 2010.

After having considered the evidence presented and taking official notice of its  
file in this matter the Board moved to issue a NOTICE OF PROPOSED  
DISMISSAL.

Vennekotter/Allen, 4/0/0  
Motion carries

**Oliver W. Crawford, M.D., License No. 01029936A, Cause No. 2010 MLB  
0016**

Respondent did not appear in person and was not represented by counsel  
regarding a Disciplinary Hearing scheduled before the Board. The State of  
Indiana was represented by Michael Minglin, Senior Deputy Attorney General  
and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge  
Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D.,  
Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.,

Ms. Edens informed the Board that Dr. Crawford telephoned the Medical Board  
staff earlier and informed them he was stuck in Kentucky as his car had broken  
down.

After having considered the evidence presented and taking official notice of its  
file in this matter the Board moved to CONTINUE this matter.

Allen/Vennekotter, 4/0/0  
Motion carries

**Xiaoming Jin, Acupuncturist, Initial Application, Cause No. 2010 MLB 0017**

Respondent appeared before the Board and was not represented by counsel regarding an Appeal of the Denial of Application for Licensure scheduled before the Board.

Mr. Jin's application for Acupuncture was denied by the Board as his school is not an approved school. It is not NCCAOM accredited.

Mr. Jin submitted that his was a teacher in an Acupuncture school in San Francisco, CA and currently holds an Acupuncture license in the state of California. He is currently employed in research with the Indiana University School of Medicine.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to TABLE this matter. The Board further requested that Mr. Schmidt research the statute/rules that govern this matter and report back to the Board in January.

Holt/Allen, 4/0/0  
Motion carries

**Tariq Khalil Malik, M.D., License No. 01049671A, Cause No. 2006 MLB 0008**

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Thomas McGee, Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D., Bharat Barai, M.D.

Dr. Malik informed the Board that he has completed five and one-half (5 ½) years with the Kentucky Physician's Health Foundation program. The State of Kentucky lifted restrictions from his license in May 2010.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW the order of PROBATION.

Allen/Holt, 4/0/0  
Motion carries

**Riley J. Snook, M.D., License No. 01053264A, Cause No. 2006 MLB 0024**

Respondent did appear in person and was not represented by counsel regarding a Request to Withdraw the Order of Probation scheduled before the Board. The State of Indiana was represented by Sarah Orme, Legal Intern and Michael

Minglin, Senior Deputy Attorney General and the court reporter sworn in for this matter was Sherri Rutledge with Rutledge Independent Reporting.

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Donald Vennekotter, M.D.

Candace Backer was sworn in as a witness for the Respondent.

Ms. Backer testified that Dr. Snook has completed four and one-half (4 ½) years of his ISMA contract and has done extremely well with the program.

Ms. Backer stated that ISMA supports his request to withdraw his order of probation.

Dr. Snook's sobriety date is June 6, 2006.

After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to WITHDRAW the order of PROBATION.

Vennekotter/Allen, 4/0/0  
Motion carries

### DISCUSSION

Expedited Partner Therapy Rule Draft: Joan Duwve, M.D., Indiana Department of Health and Michael Rinebold, Indiana State Medical Association both appeared for discussion of this matter. Dr. Duwve indicated that she has reviewed the draft and is happy with it. Mr. Rinebold indicated that he had not seen the draft until today and would like more time to review it.

After discussion the Board moved to CONTINUE this matter in order to give all parties time to review the draft.

Holt/Allen, 4/0/0

Death Certificate changes: Mr. Huddleston and Ms. Kelley met with David Miller of the Attorney General's Office regarding various issues. One that was brought up was the new death certificate registration process. The physician has five (5) days to respond to a death certificate email or it is considered a class B misdemeanor.

The State Board of Health is introducing legislature to make it a licensing issue and would remove the criminal penalty. They want it effective in 2012.

The Board members indicated that failure to comply with the death registry program would be an offense we could include in the deferral citation program.

Telemedicine presentation by Anthem: Mr. Huddleston and Ms. Kelley sat through a presentation by Anthem regarding telemedicine. Ms. Kelley indicated that a presentation was scheduled for the full Board at the January 2011 meeting.

Michael Rinebold, Indiana State Medical Association indicated that he also has a presentation scheduled on January 19, 2011 for the ISMA Board of Directors. Since they are not presenting to ISMA until January 19<sup>th</sup>, this will likely come back to the Board at the February board meeting.

Request from ISMA to discuss Office Based Sedation rules: Michael Rinebold, Indiana State Medical Association appeared in person to discuss this issue. The rule is 844 IAC 5-5-15 "Regional anesthesia" defined. The specific debate is regarding two (2) blocks, peribulbar and retrobulbar that Ophthalmologist use in their offices. The Ophthalmologists want to see this rule changed and the Anesthesiologists would like to see it stay as it is.

The Board requested that a meeting be set for May or June regarding this issue and asked that all sides submit written comments prior to the meeting.

**CONSENSUS**  
Motion carries

Attorney General's Office Liaison: Mr. Huddleston reported some system changes with the Attorney General's Office. They will no longer be doing the informal board meetings. The designated Board member will make the decision to either charge or close. There will be a report to the Board every 30 days regarding the status of all consumer complaints that we filed.

A volunteer was requested to take over as the Board designee to the Attorney General's Office. Robert Allen, M.D volunteered to become the new liaison that will review all referrals.

After discussion the Board moved to APPROVE Dr. Allen as the new liaison.

Holt/Vennekotter, 4/0/0  
Motion carries



## **REVIEW OF INITIAL/RENEWAL APPLICATIONS**

Participating Board Members: Stephen Huddleston, J.D., Robert Allen, M.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D., Donald Vennekotter, M.D.

The Board reviewed the positive response information on the following applicant and approved him for licensure: Allen/Holt, 5/0/0 Motion carries

Alan Godofsky, M.D.  
Ronald Nichols, M.D.  
Richard Williams, M.D.

Michael Matheson, M.D.  
Michael Rubin, D.O.

Margaret Husk, M.D., approved upon the signing of a contract with the Indiana State Medical Association.

The Board reviewed the positive response information on the following applicants and requested them to appear before the Board: Vennekotter/Allen, 5/0/0 Motion carries

Katherine Liu, M.D.

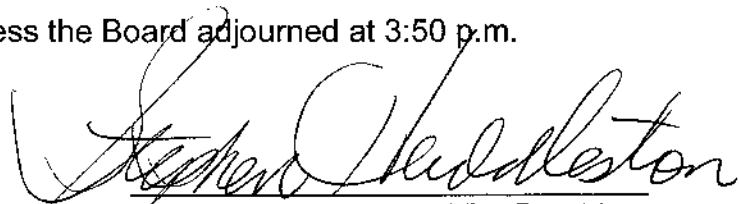
## **PHYSICIAN ASSISTANT PRESCRIPTIVE AUTHORITY APPLICATIONS**

The Board reviewed and approved the following Physician Assistant Prescriptive Authority applications: Allen/Holt, 4 /0/0 Motion carries

Participating Board Members: Stephen Huddleston, J.D., Worthe Holt, Jr., M.D., Bharat Barai, M.D.

Nathaniel Roach, 10001124A  
Emily Kriech, 10001217A  
Amy Jackson, 100000733A  
Anjali Harsha, 10000997A

There being no further business the Board adjourned at 3:50 p.m.



Stephen Huddleston, J.D., President

Donald Vennekotter, M.D., Secretary